

TOURISM, ARTS, AND HERITAGE CABINET
Kentucky State Fair Board
Fiscal and Contract Management
(New Administrative Regulation)

303 KAR 1:110. Procurement procedures.

RELATES TO: KRS 247.100, KRS 247.147

STATUTORY AUTHORITY: KRS 247.100, KRS 247.147

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.147(1)(b) authorizes the Kentucky State Fair Board to adopt administrative regulations establishing its procurement procedures. This administrative regulation establishes the procurement procedures of the Kentucky State Fair Board in a manner consistent with KRS 247.147 and will apply in lieu of the Kentucky Model Procurement Code, unless otherwise specifically indicated.

Section 1. Procurement Procedures. The procurement procedures of the Kentucky State Fair Board are established in the "Kentucky State Fair Board Procurement Procedures, June 24, 2021."

Section 2. Incorporation by Reference. (1) "Kentucky State Fair Board Procurement Procedures, June 24, 2021," is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, from the General Counsel at the offices of the Kentucky State Fair Board, 937 Phillips Lane, Louisville, Kentucky 40209, Monday through Friday at 8 a.m. to 5 p.m.

DAVID BECK, President and Chief Executive Officer

APPROVED BY AGENCY: July 22, 2021

FILED WITH LRC: July 22, 2021 at 1:40 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 22, 2021, at 10:00 am Eastern Time at Kentucky State Fair Board, 937 Phillips Lane, Louisville, Kentucky 40209. Individuals interested in being heard at this hearing shall notify this agency in writing 5 workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2021. Send written notifications of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Carrie Bauer, General Counsel, Kentucky State Fair Board, 937 Phillips Lane, Louisville, Kentucky 40209; phone 502-367-5244; fax 502-367-5109; email carrie.bauer@kyvenues.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

(1) Provide a brief summary of:

(a) What the administrative regulation does: This administrative regulation establishes the procurement procedures for the Kentucky State Fair Board.

(b) The necessity of the administrative regulation: This administrative regulation is necessary to ensure the independent, corporate structure of the Kentucky State Fair Board promised by KRS 247.100 and to allow the Kentucky State Fair Board to act economically and in its best interest.

(c) How does this administrative regulation conform to the authorizing statute: KRS 247.147 authorizes the State Fair Board to promulgate its own procurement procedures via administrative regulation.

(d) How this administrative regulation currently assists or will assist in the effective administration of statutes: This administrative regulation is necessary to allow the Kentucky State Fair Board to purchase supplies, equipment, services, and construction items that provide the greatest long-term benefit for the state, the greatest integrity for the Kentucky State Fair Board, and the best service and products for the public.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of: This is a new administrative regulation, not an amendment.

(a) How the amendment will change this existing administrative regulation:

(b) The necessity of the amendment to this administrative regulation:

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes:

(3) List the type and number of individuals, businesses, organization or state and local governments that will be affected: This will affect the Kentucky State Fair Board and tangentially any business, person, or state or local government doing business with the Kentucky State Fair Board. This regulation will also impact the Finance and Administration Cabinet, the Government Contract Review Committee, and the Tourism, Arts, and Heritage Cabinet.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by the implementation of this administrative regulation, including:

(a) List the action that each of the regulated entities in question (3) will have to take to comply with this administrative regulation: The Finance and Administration Cabinet will need to create the necessary cited authority and update the workflows in EMARS to allow for the Kentucky State Fair Board to administer its procurement procedures. The Government Contract Review Committee will need to begin accepting review of certain contracts directly from the Kentucky State Fair Board. The Kentucky State Fair Board will begin approving its procurements of goods and service in accordance with the procurement procedures. No other actions will need to be taken.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost to the entities listed in question (3). Indeed, this should result in a cost savings to the Finance and Administration Cabinet.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The Kentucky State Fair Board will be able to provide the best service and products for the public. The Finance and Administration Cabinet and the Tourism, Arts, and Heritage Cabinet should save costs and resources as a result of this transition.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no initial cost.

(b) On a continuing basis: There will be no continuing cost.

(6) What is the source of funding to be used for implementation and enforcement of this administrative regulation: To the extent needed, the source of funding is the Kentucky State Fair Board budget.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: It will not be necessary to increase a fee or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees directly or indirectly increases any fees: This administrative regulation does not establish any fees nor does it indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not applied because this administrative regulation only refers to the internal functions and procedures of the Kentucky State Fair Board.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government will be impacted by this administrative regulation? The Kentucky State Fair Board will be impacted by this administrative regulation. The Finance and Administration Cabinet, Government Contract Review Committee, and Tourism, Arts, and Heritage will also be impacted.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 247.147 authorizes the Kentucky State Fair Board to promulgate its own procurement procedures.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency for the first full year the administrative regulation is to be in effect?

(a) How much revenue will this administrative regulation generate for the state or local government for the first year? The revenue of this administrative regulation is difficult to quantify. However, it will allow for more efficient and streamlined operations. It will also allow the Kentucky State Fair Board to procure better products at a lesser price, and services in a timelier manner. This will result in overall cost savings for the Kentucky State Fair Board. The administrative regulation will also assist the Kentucky State Fair Board in attracting more events and improving relationships with its tenants, which should generate additional revenue for local and state government.

(b) How much revenue will this administrative regulation generate for the state or local government in subsequent years? The revenue of this administrative regulation is difficult to quantify. However, it will allow for more efficient and streamlined operations. It will also allow the Kentucky State Fair Board to procure better products at a lesser price, and services in a timelier manner. This will result in overall cost savings for the Kentucky State Fair Board. The administrative regulation will also assist the Kentucky State Fair Board in attracting more events and improving relationships with its tenants, which should generate additional revenue for local and state government.

(c) How much will it cost to administer this program for the first year? The costs of this administrative regulation are difficult to quantify, but as explained above in the answers to (3)(a) and (3)(b), they should result in overall cost savings for the Kentucky State Fair Board, the Tourism, Arts, and Heritage Cabinet, and the Finance and Administration Cabinet.

(d) How much will it cost to administer the program for subsequent years? The costs of this administrative regulation are difficult to quantify, but as explained above in the answers to (3)(a) and (3)(b), the purpose of the regulation is to create a cost savings for the Kentucky State Fair Board, which will should also save the Tourism, Arts, and Heritage Cabinet and the Finance and Administration Cabinet time, money, and resources.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: